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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 11-22 are pending in the application.

Claims 11-22 have been rejected.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 11-22 under 35 U.S.C. § 102(b), as being anticipated by Beck et al. (US Patent No. 5,049,009). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected.

Applicant respectfully disagrees with the Examiner allegation that Beck et al discloses "said cutting edge is oriented to define a non-zero relief angle opposite said cutting direction between said cutting tool and said cutting path". Beck et al discloses "Circular land 56 is essentially accurate in shape and is essentially parallel to the arc of cutting path 18 formed by cutting edge 16. Circular land 56 forms an essentially right angle with a radius line 35 struck through cutting edge 16. The shape of circular land 56 is critical to the present invention..." in column 4, lines 23-29. Therefore, the angle between the cutting tool and the cutting path disclosed by Beck et al is essentially equal to zero. Therefore, Beck et al does not teach or

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suggest "said cutting edge is oriented to define a non-zero relief angle opposite said cutting direction between said cutting tool and said cutting path" as recited in independent claim 11. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Beck et al cannot anticipate claim 11.

Additionally, Applicant respectfully disagrees with the Examiner allegation that Beck et al discloses "said first section being nearest to the cutting edge and being convex". Beck et al discloses "Primary tooth surface 31 forms a smooth, slight curve which recesses into end mill 10" in column 3, lines 50-51. Therefore, as described also in Figs. 3 and 4 of Beck et al., the tooth surface 31 is necessarily a concave section and not a convex section. Therefore, Beck et al does not teach or suggest "said first section being nearest to the cutting edge and being convex" as recited in independent claim 11. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Beck et al cannot anticipate claim 11.

Accordingly, Applicant respectfully asserts that independent claim 11 is allowable.

Claims 12-15 depend from, directly or indirectly, claim 11 and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claims 12-15 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to independent claim 11 and to claim 12-15 dependent thereon.

As to independent claim 16, the arguments above are also applicable here. Therefore, Beck et al does not teach or suggest "said cutting edge is oriented to define a non-zero relief angle opposite said cutting direction between said cutting tool and said cutting path" as recited in independent claim 16. Additionally, Beck et al does not teach or suggest, and is actually teaching away from this limitation as discussed above, "said first section being nearest to the cutting edge and being convex" as recited in independent claim 16. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Beck et al cannot anticipate claim 16.

Accordingly, Applicant respectfully asserts that independent claim 16 is allowable.

Claims 17-22 depend from, directly or indirectly, claim 16 and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claims

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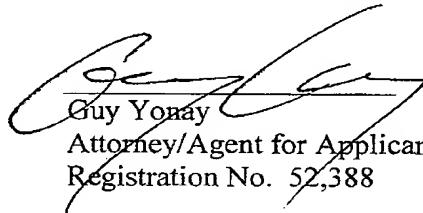
17-22 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to independent claim 16 and to claims 17-22 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


Guy Yonay
Attorney/Agent for Applicant(s)
Registration No. 52,388

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801